

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

September 24, 2001

DIVISION ONE

B142133 Crowell (Not for Publication)

v.

DCH Health Services et al

The judgment is affirmed. Defendants are awarded their costs.

Ortega, J.

We concur: Spencer, P.J.
 Mallano, J.

B140854 Law (Not for Publication)

v.

City of Los Angeles

The judgment is affirmed. Respondent(s) to recover costs.

Ortega, J.

We concur: Spencer, P.J.
 Mallano, J.

B148739 People (Not for Publication)

v.

Jose L. Olivares

The judgment is affirmed.

Ortega, Acting P.J.

We concur: Vogel (Miriam A.), J.
 Mallano, J.

DIVISION TWO

B144129 People (Not for Publication)
v.
Matthew Gonzalez

The judgment is affirmed.

Boren, P.J.

We concur: Nott, J.
 Cooper, J.

B146306 People (Not for Publication)
v.
Baltazar

The judgment is modified to strike the order that appellant attend and complete 52 weeks of domestic violence counseling upon his release from state prison and that he provide proof of enrollment, periodic progress reports, and proof of completion to his parole officer. In all other respects, the judgment is affirmed.

Boren, P.J.

We concur: Nott, J.
 Cooper, J.

B144316 Million Gebreyesus (Not for Publication)
v.
Anything Yellow Inc.

The judgment is affirmed.

Boren, P.J.

We concur: Nott, J.
 Cooper, J.

DIVISION TWO (Continued)

B138162 People (Not for Publication)
v.
Christina M. White

The second degree murder conviction and underlying firearm enhancements (count 1) are reversed, and a new trial or other appropriate disposition is ordered. In all other respects, (i.e., the marijuana cultivation offense in count 2), the judgment is affirmed.

Boren, P.J.

We concur: Cooper, J.
Todd, J.

B147805 Tosco Corporation et al. (Not for Publication)
v.
Certain Underwriters at Lloyd's Subscribing to Policy No 823/EL9800777

The judgment is affirmed.

Boren, P.J.

We concur: Nott, J.
 Cooper, J.

B139980 Estate of Irene Klein Bitterman, Deceased (Not for Publication)
Terry Magady as administrator etc.
v.
Evelyn Klein

The judgment is reversed. Costs on appeal are awarded to appellant Evelyn Klein.

Boren, P.J.

We concur: Nott, J.
 Todd, J.

DIVISION THREE

Court convened at 9:35 A.M.

Present: Klein, P.J., Croskey, J., Kitching, J., Aldrich, J. and J. Chung, Deputy Clerk.

Each of the following:

B142710 People v. Marcus Middlebrook et al.

B144898 People v. Steven D. Riley

B147993 People v. David A. Dominguez

Argument waived, cause submitted.

B140333 People
 v.
 Paul Ramirez

Merits:

Argued by Steven Schorr for appellant and by Corey J. Robins, deputy attorney general, for respondent. Cause submitted.

B144414 People
 v.
 Frederick K. Williams

Merits:

Argued by Daniel G. Koryn for appellant and by Rori M. Ridley, deputy attorney general, for respondent. Cause submitted.

B139045 Maribel Morales
 v.
 Francisco Paredes et al.

Merits:

Argued by Richard Derevan for appellants and by Marian Tully for respondent. Cause submitted.

DIVISION THREE (Continued)

B147757 Aespace America, Inc.
 v.
 Winston Ping Ko

Merits:
Argued by Rhonda Kaley for appellant and by Becky Berka for respondent.
Cause submitted.

B151613 In re Janet Delong on Habeas Corpus

Merits:
Argued by Phylus Asayama for respondent and by Alex Ricciardulli,
deputy public defender, for petitioner. Cause submitted.

B146673 Los Angeles County, D.C.F.S.
 v.
 Mario A.

Merits:
Argued by Tyna Orren for appellant and by Lois Timnick, deputy county
counsel, for respondent. Cause not submitted pending status of Nicholas H.
in Supreme Court.

B148276 Diana C. Blake
 v.
 Gordon Ecker

Merits:
Argued by Robert M. Goldfried for respondent and by David P. Cwiklo for
appellant. Cause not submitted pending further order of the court.

DIVISION THREE (Continued)

B146155 Greg Cortese et al.
 v.
 The J. Paul Getty Trust

Merits:

Argued by Robert D. Crockett and Claudia McGee Henry for appellants/cross-respondents, by John B. Murdock for respondents/cross-appellants and by Garret L. Hanken for respondents. Cause not submitted pending further briefing.

Court recessed.

Court reconvened at 2:03 P.M.

Present: Klein, P.J., Croskey, J., Kitching, J., Aldrich, J. and J. Chung, Deputy Clerk.

Each of the following:

B144735 Kenneth G. Keel v. County of Los Angeles et al.
B141383 People v. Jaime L.
B147254 People v. Angel Becerra
B148307 People v. Luca A.
B148530 People v. Talisua N.

Argument waived, cause submitted.

B143711 Behnam Shirian
 v.
 Topa Insurance Company

Merits:

Argued by David Schwarcz for appellant and by Angela Lui Walsh for respondent. Cause submitted.

DIVISION THREE (Continued)

B136688 Elizabeth Smith et al.
v.
State Farm Insurance Group et al.

Merits:
Argued by John Rowell for appellants and by Paul Alexander and Kent Keller for respondents. Cause submitted.

Court Adjourned.

DIVISION FOUR

B144652 Lang (Not for Publication)
v.
County of Los Angeles

The judgment is affirmed.

Curry, J.

We concur: Vogel (C.S.), P.J.
Hastings, J.

B139039 Garcia (Not for Publication)
v.
Romy Auto Sales

The judgment is affirmed.

Curry, J.

We concur: Vogel (C.S.), P.J.
Hastings, J.

B138734 Hellinger
v.
Farmers Group Inc.

Filed order modifying opinion. Petition for rehearing is denied. (Change in judgment)

DIVISION FOUR (Continued)

B146999 Sonnier
v.
Kennedy

Filed order denying petition for rehearing filed by appellant.

B146999 Sonnier
v.
Kennedy

Filed order denying petition for rehearing filed by respondent.

DIVISION FIVE

B144201 People (Not for Publication)
v.
Carrea Christopher

The judgment is affirmed.

Armstrong, J.

We concur: Turner, P.J.
 Grignon, J.

DIVISION SIX

B150418 People (Not for Publication)
v.
Said

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, P.J.
 Yegan, J.

DIVISION SIX (Continued)

B146889 People (Not for Publication)
v.
McCoy

The judgment is modified to award appellant 228 days of presentence custody credits, consisting of 199 days of actual custody credits and 29 days of conduct credits. The trial court is directed to amend the abstract of judgment and transmit a certified copy to the Department of Corrections. In all other respects, the judgment is affirmed.

Yegan, J.

We concur: Gilbert, P.J.
Coffee, J.

B138759 People (Not for Publication)
v.
Rodriguez

The judgment is reversed.

Perren, J.

We concur: Gilbert, P.J.
Yegan, J.

B140061 Jones (Not for Publication)
v.
Blue-Jones

The judgment is affirmed. Costs to respondent.

Yegan, J.

We concur: Gilbert, P.J.
 Coffee, J.

DIVISION SEVEN

B139016 Machell D. Webbs et al. (Not for Publication)
v.
Holiday Inn, Inc. of Long Beach

The judgment is affirmed. Respondent is awarded costs on appeal.

Woods, J.

We concur: Lillie, P.J.
 Boland, J. (Assigned)

B142150 Arthur Lawrence (Not for Publication)
v.
Bernard Gootkin, Martin, Goldman, et al.

The judgment is reversed. Costs on appeal are awarded to Lawrence.

Woods, J.

We concur: Lillie, P.J.
 Boland, J. (Assigned)

B148115 People (Not for Publication)
v.
Bryant Sadaka Boyd

The judgment is affirmed.

Woods, J.

We concur: Lillie, P.J.
 Boland, J. (Assigned)

DIVISION SEVEN (Continued)

B147682 People (Not for Publication)
v.
Michael J.
In re Michael J., a Person Coming Under the Juvenile Court Law.

The order under review is affirmed.

Woods, J.

We concur: Lillie, P.J.
Johnson, J.

B144426 People (Not for Publication)
v.
Dematteis

The judgment is affirmed.

Johnson, Acting P.J.

We concur: Johnson, Acting P.J.
 Woods, J.

B147348 People (Not for Publication)
v.
Cardona, Jr.

The judgment is affirmed.

Johnson, J.

We concur: Lillie, P.J.
Boland, J. (Assigned)

September 24, 2001-Continued

DIVISION SEVEN (Continued)

B143949 People (Not for Publication)
v.
Martinez

The judgment is affirmed.

Johnson, J.

We concur: Lillie, P.J.
Woods, J.

B140805 People (Not for Publication)
v.
Samudio

The judgment is affirmed.

Johnson, J.

We concur: Lillie, P.J.
Boland, J. (Assigned)

B111761 People v. Rathert, Jr. (Not for Publication)
B147947 In re Rathert, Jr., on Habeas Corpus

The judgment of conviction is affirmed. The petition for writ of habeas corpus is denied.

Johnson, Acting P.J.

We concur: Woods, J.
Boland, J. (Assigned)

September 24, 2001-Continued

DIVISION SEVEN (Continued)

B148088 People (Not for Publication)
v.
LaDuke

The judgment is reversed.

Boland, J. (Assigned)

I concur: Lillie, P.J.
I dissent: Woods, J. (Opinion)

B145514 David (Not for Publication)
v.
Mehrabanian et al.

The judgment of dismissal is reversed as to the second and third causes of action; in all other respects the judgment is affirmed. Each party is to bear his own costs on appeal.

Boland, J. (Assigned)

We concur: Johnson, Acting P.J.
Woods, J.

B138022 Parker (Not for Publication)
v.
City of Pasadena

The judgment is reversed. Appellant Parker is awarded his costs, if any, on appeal.

Boland, J. (Assigned)

We concur: Lillie, P.J.
Johnson, J.

DIVISION SEVEN (Continued)

B129833 Debra Kline et al. (Not for Publication)
 v.
 Redevelopment Agency of Pomona et al.

The judgments in favor of the City of Pomona, the redevelopment Agency of Pomona, the individual city officers and employees, and Weiss are reversed and the cause remanded for further proceedings consistent with this opinion. The Partnership is awarded its costs on appeal. The Partnership's appeal of the judgment in favor of Home Depot is dismissed; and each side shall bear its own costs.

Boland, J. (Assigned)

We concur: Lillie, P.J.
 Johnson, J.